Exhibit E

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: Michelin North America, Inc.; (AVISO AL DEMANDADO): General Motors, L.L.C.; Koepplin Wayne Lewis dba Lodi Small Car Sales; Chase Chevrolet Co., Inc.; and DOES 1 through 100

YOU ARE BEING SUED BY PLAINTIFF: Brianna Minard (LO ESTÁ DEMANDANDO EL DEMANDANTE):

SUM-100

FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE) DATESTOCKTOR

2013 JUN 20 PM 1:14 ROSA JUNQUEIRO, CLERK

BY_RAFAELA GUTIERREZ

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages; money; and property

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro-de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podré quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener

17	programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el Centro de Ayuda de las Cortes de California. Org.), en el Centro de Ayuda de las Cortes de California de lucro en el Sitio web de California.
1	programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en al abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, fines de lucro en el sitio web de California Legal Services, qualquier recuperación de \$10,000 ó más de valor recibida mediante un solventa sucres y los costos exentos por imponer un grande de la corte o el para el gravamen de la corte con la corte o el para el gravamen de la corte con la corte de la
0	sualquier recuperación de \$10,000 ó mán do un la corte tiene derecho a reclamar las cuetas y las que poniendose en contacto con la corte de contacto contacto con la corte de corte de contacto con la corte de corte
4	colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos esenticios legales gratuitos de un cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre la name and address of the court is:
Œ	nombre y direction of the court is:
22	n Joaquin County Superior Court Case Number:

San Joaquin County Superior Court 222 East Weber Avenue Stockton, CA 95202

39-2013-00298477-CU-PL-STK

The name, address, and teleg (El nombre, la dirección y el r Joseph W. Carcione Carcione	phone number of plaintiff's attorney, número de teléfono del abogado del 1. Jr., Esq. (SBN 5669) 1. Dolinski	onaridante, o del dema	andante que no tiona -t	95):
Redwood City, CA 9	& Carcione, L.L.P.	(050	(650) 367-6811 (650) 36	57-0367 ·
(For proof of service of this	DREUMIN, BROV	(Secretaria)	PAELA GUTIERREZ	_, Deputy
(Para prueba de entrega de es	mmons, use Proof of Service of Sursta citation use el formulario Proof on NOTICE TO THE PERSON SER	nmons (form POS-010).) f Service of Summons, (F	POS-010))	(Adjunto)
	1 as an individual defenda	ent		
	3 on behalf of (specify):	er the fictitious name of (s_i)	pecify):	
	under: CCP 416.10 (co CCP 416.20 (de CCP 416.40 (as	rporation) funct corporation) sociation or partnership)	CCP 416.60 (minor) CCP 416.70 (conservated	e)
Form Adopted for Mandatory Use	other (specify): 4 by personal delivery on (CCP 416.90 (authorized p	erson)

09-50026-mg Doc 13655-7 Filed 06/24/16 Entered 06/24/16 17:14:47 Exhibit E Pg 3 of 14

ATTORNEY OF PARTY MITTIGUE	
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Carcione, Jr., Esq. (SBN 56693) Studies: Carcione, Cattermole, Dolingki	i i i i i i i i i i i i i i i i i i i
1 catalone cett : and: (prin regard)	PLD-
DUUCKV. Markovit	FOR COURT USE ONLY
601 Brewster Avenue, P.O. Box 3389	FILED
Redwood City of Fox 3389	· · · · · · · · · · · · · · · · · · ·
TELEPHONE NO: (650)367-6811 FAX NO. (Optional): (650) 367-036	- 日本の日本代子会議。
E-MAIL ADDRESS (Optional): FAX NO. (Optional): (650) 367-036	2013 1111 20 00
ATTORNEY FOR (4) - D7	7 20 3 JUN 20 PM 1: 14
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Joaquin	ROSA JUNQUERO, SISSE,
STREET ADDRESS 222 East Weber Avenue	PAFAELA GUTIEHI
THIS ADDRESS!	B Y
CITY AND ZIP CODE: Stockton, 95202	BEPUTY
BRANCH NAME:	
PLAINTIFF: Brianna Minard	
Minard	
	•
DEFENDANT: Michelin North America, Inc.; General Mo L.L.C.; Koepplin Wayne Lewis dba Lodi Small Care	
L.L.C.; Koepplin Wayne Lewis dba Lodi Small Car Sale X DOES 170 100	
Chase Chevrolat Gayne Lewis dba Lodi Small G	tors,
Chase Chevrolet Co., Inc.; and X DOES 1 TO 100	S;
COMPLAINT—Personal Injury, Property Damage, Wrongful Death Type (check all ## 17)	
AMENDED (Number):	
THE CONTUR AN TROP SEELS.	
X MOTOR VEHICLE X OTHER (** THIS	
MOTOR VEHICLE X OTHER (specify): Product Liability X Personal Injury Y Other D	CASE MAS BEEN ASSIGNED TO
Wrongful Death	DE CORPORATION DE LA CORPORTATION DE LA CORPORTATIO
Wrongful Death X Personal Injury X Other Damages (specify): Exemply: Jurisdiction (check all that apply):	ATTRIBUTE AT FOR ALL PURPOSES,
tues of barnages (specify): Exemple in	COPPERSON OF THE PROPERTY OF THE PARTY OF TH
Jurisdiction (check all that apply):	The second secon
ACTION IS A LIMITED COME	
Amount demanded does not exceed \$10,000	The grand and the second and the sec
does not exceed \$10,000	CASE NUMBER:
ACTION IS AN INITIAD CACCEGOS \$10,000, but does not exceed \$20.000	The second secon
ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) ACTION IS RECLASSIFIED by this amended complaint	
from limited to unlimited	The second ATT OILDLETY
	39-2013-00298477-CU-PL-STK
from unlimited to limited	· ·
Plaintiff (name or names): Brianna Minard	the second secon
Wayne I amis II action against defendant (name or name)	
Wayne Lewis dba Lodi Small Car Sales; Chase Chevrolet Co., Inc.; and Does 1 thro. Each plaintiff named of the college of the c	erica. Inc · General Mar
Each plaintiff. including attachments and exhibits, consists of the following.	pugh 100
This pleading, including attachments and exhibits, consists of the following number of a second state of the following number of the following number of the second state of the second	of pages: 5
a. except plaintiff (name):	r - 3 23 , 5
(1) a corporation and in	
a sorporation qualified to do business	
(a) The political composition	
a public entity (describe).	
a minor an adult	
(a) for whom a guardian or conservator of the estate or a guardian ad I (b) other (specify): (5) other (specify):	
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(5) other (specify):	nem has been appointed
outer (specify):	
b. Avant who gets	
except plaintiff (name):	
(1) a corporation qualified to do business in California	
(3) a public entity (describe):	
(4) (4) (4) (4) (4) (4) (4) (4) (4) (4)	
an adult	
To writing guardian or conservator of the	
(b) other (specify):	em has been appointed
(5) other (specify):	appointed
· · ·	
Information about 1 to	
Information about additional plaintiffs who are not competent adults is shown in	
proved for Optional Use all Council of California COMPLAINT Porcession	Attachment 3.
COMPLAINT—Personal Injury, Property Damage Wrong from 1, 2007)	Page 1 of 3
Dame - 1 1941 y, Froderiv	Fage 1 of 3

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SHORT TITLE		Pg 4 of	14	
- INCICL TITLE: IN	linard vs. Michelin North	America	; et al.	PLD-PI-(
4. Plaintif	f (name):			
is doing	Dusiness under the saw			
	business under the fictitious name (spe	ecify);		
and has	s complied with the fictitious business na	ame laws.		
	Gail lighted above is a net			
Americ	cept defendant (name): Michelin a, Inc.	North	c. X except defen	dont (no.
	,,		Lewis dba To	dant <i>(name):</i> Koepplin Wayne odi Small Car Sales
(1)	a business organization, form unknown	n .		
(2) <u>X</u>	a corporation	1	(1) X a business	s organization, form unknown
(0)	an unincorporated entity (describe):		· / Land a corporati	10[]
(4)	a public entity (describe):		(e) an unincor	porated entity (describe):
	- pasie chity (describe):		(4) a public en	ntity (describe):
(5)	other (specify):			
			(5) other (spec	cify):
h V				
Motors,	ept defendant (name): General	(Y	
- 0015,	1.1.0.	•	d. X except defendence Co., Inc.	dant(name): Chase Chevrolet
(1)	a business organization, form unknown		11, 11,	
	a corporation		(1) a business	organization, form unknown
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('	a public entity (describe):	• *	(4) a public enti	ifor Calana and
(5)	other (specify):			# Company of the Comp
			(5) other (special	fy):
Informat	ion about additional defendants who		•••	
The true name	ion about additional defendants who are	e not natural p	ersons is contained in	Attachment 5.
	- The bucu as Dues are link,	DOM: 4- 1	iff.	
name	defendants (specify Doe numbers): Do	<u>es 1-100</u>	were the	agents or employees of other
b. X Doe c	ed defendants and acted within the scop	e of that agen	cy or employment.	agains of employees of other
plaint	iff.	<u>es 1-100</u>	are porce	Dect
Defendar	nts who are joined under Code of Civil F	Orona di	are perso	ons whose capacities are unknown to
	The state of Giving	Tocedure sect	tion 382 are (names):	
This court is the	e proper court because			
- u La leas	I One defended	dictional and		
d. other	ncipal place of business of a defendant to person or damage to personal proper (specify):	rty occurred in	its jurisdictional area	iation is in its jurisdictional area.
561 (opcony).		yanaalollohal area.	
Plaintiff :-	ro-ui lu			
a. has co	required to comply with a claims statute	and		
	mplied with applicable claims statutes, or sed from complying because (specify):			
	security):			

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T SHORT HILE: Minard ve					
w	. Michelin Nort	ch America; et a	 21.	0005	PLD-P
				CASE NUMBER:	
Causes of action	on are attached and the	statements			
10. The following causes of action causes of action attached): a. Motor Vehicle b. General Negligence c. Intentional Tort d. X Products Liability e. Premises Liability f. Other (specify):	e .	оме арргу	to each (each o	complaint must have on	e or more
11. Plaintiff has suffered a. X wage loss b. X loss of use of proper c. X hospital and medical d. X general damage e. X property damage f. X loss of earning capac g. X other damage (specification) permitted by law.	expenses	L injury economi	.c and non-	-economic damac	To c
				- damag	ges .
			44 - 1921 I.		
b as follows:		the relation ships of plaint	400005	ou are	
3. The relief courbs					
3. The relief sought in this compla	int is within the jurisdic	tion of this court.			
3. The relief sought in this compla					
a. (1) X compensatory da (2) X punitive damages The amount of damages is (i) (1) X according to produce the compensatory of th	costs of suit; for such r Images s in cases for personal in	relief as is fair, just, and e			
a. (1) X compensatory da (2) X punitive damages The amount of damages is (i (1) X according to proc (2) in the amount of:	costs of suit; for such ramages s in cases for personal in f	relief as is fair, just, and e njury or wrongful death, yo	u must check (1	<i>)):</i>	
a. (1) X compensatory da (2) X punitive damages The amount of damages is (i (1) X according to proc (2) in the amount of:	costs of suit; for such ramages s in cases for personal in f	relief as is fair, just, and e njury or wrongful death, yo	u must check (1	<i>)):</i>	
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a. (1) X compensatory da (2) X punitive damages The amount of damages is (i (1) X according to proc (2) in the amount of:	costs of suit; for such ramages s in cases for personal in f	relief as is fair, just, and e njury or wrongful death, yo	u must check (1	<i>)):</i>	
Plaintiff prays for judgment for a. (1) X compensatory da (2) X punitive damages. The amount of damages is (i (1) X according to proc (2) in the amount of: X The paragraphs of this con All	costs of suit; for such ramages s in cases for personal in f	relief as is fair, just, and e njury or wrongful death, yo	u must check (1	<i>)):</i>	
a. (1) X compensatory da (2) X punitive damages The amount of damages is (i (1) X according to proc (2) in the amount of:	costs of suit; for such ramages s in cases for personal in f	relief as is fair, just, and e njury or wrongful death, yo	u must check (1	<i>)):</i>	
Plaintiff prays for judgment for a. (1) X compensatory da (2) X punitive damages. The amount of damages is (i (1) X according to proc (2) in the amount of: X The paragraphs of this con All	costs of suit; for such ramages s in cases for personal in f	relief as is fair, just, and e njury or wrongful death, yo	u must check (1	<i>)):</i>	
Plaintiff prays for judgment for a. (1) X compensatory da (2) X punitive damages. The amount of damages is (i) X according to proc. (2) in the amount of: X The paragraphs of this con. All.	costs of suit; for such ramages s in cases for personal in f	relief as is fair, just, and e njury or wrongful death, yo	u must check (1	<i>)):</i>	
Plaintiff prays for judgment for a. (1) X compensatory da (2) X punitive damages. The amount of damages is (i (1) X according to proc (2) in the amount of: X The paragraphs of this con All	costs of suit; for such ramages s in cases for personal in f	relief as is fair, just, and e njury or wrongful death, yo	u must check (1	<i>)):</i>	

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	miliard V	s. Michelin North Am	Peri Co	PLD-F
		= 521 1111	nerica, Inc.; et al.	CASE NUMBER:
E74				
<u>First</u>	(number)	CAUSE OF ACTIO	N—Products Liability	
A	•	110113	Froducts Liability	Da
ATTAC	HMENT TO	Complaint Cross-Com		Page 4
		ACTION TOTAL CONTRACTOR OF THE PROPERTY OF THE	plaint	
Plaintiff (name): Brian	ona Minama	otion.)	
		milard		
Prod. L-1	On or about (-)			
·	2001 Char	ate): July 3, 2011	Diaintiff was in:	
	Tire, and	rolet Blazer and its	COMPONENT Page	ne following product:
	-, -,	res components.	plaintiff was injured by the component parts; an	d a Uniroyal Laredo
Drad La	_			
F100, L-2.	Each of the defe	endants knew the product would	be purchased and used without i	
	The product was	s defective when it left the control	be purchased and used without i	nspection for defeats
	was being	- 30/14/0	be purchased and used without in placed without in the production of each defendant. The productions	t at the time of injury
	used in th	ne manner intended by the defer	ldan te	Mydry
Prod. L-3.	Plaintiff was a	pparent. Adequate warnings of ti	ndants. Teseeable by defendants as involv he danger were not given.	ing a substantial danger not
			gar were not given.	a go. Hot
į	bystander	r of the product	X Upper of the	
		to the use of the product.	X user of the	
PLAINTIF	F'S INJURY W.	AS THE LEGAL (F-	other (spec	<i>Ty)</i> ;
Prod. L-4. [X Count One-	-Strict liability of II	other (speci E) RESULT OF THE FOLLOW	//NO
	a. X mar	AS THE LEGAL (PROXIMATStrict liability of the following of the collowing of the collowing the col	defendants who	
	Genera:	1 Motors, L.L.C	defendants who duct (names): Michelin No	Tit h. Amount
f .	er v			America, Inc.;
	চি. কিটা ন	X Does 1 to 100	• .	
	Michela Michela			
	, C116 T	In North America, In	of the manufacture of the manufa	cturer (names):
		Y Does 1	and thotors,	L.L.C.; and
	C V and	10 100		
	Motors,	L.L.C. Koepplie	s):Michelin North Amer ayne Lewis dba Lodi s	
		- 1 V KOSDDIII M	ayne Lewis dba Lodi	mall Con General
	,		On a second	
rod. L-5. 🔀	Count Two	to 100		
I	Michelin No	orth America Inc	andants who owed a duty to plainti	ff (names)
	-	godr billatt Car dalor	, a, u,	U. : Koennia
od. L-6 🔯		X Does 1 to 100	chase Chevrolet Co	· · Inc. and
) 1	Motorn I I C. I	-Breach of warranty by the folio	Owing defendants (and
1	TOLOIS, L.L.C.; K	oepplin Wayne Lewis dba Lod	owing defendants (names): Micha Small Car Sales; Chase Chevrole	elin North America Inc. Gonzal
	a. X who b	X Does 1 to 100	Chase Chevrole	t Co., Inc. and
	who br	ritten	nich was	
od. L-7.	The defendant	ritten X oral	other reasons and the reasons for tollows:	
	listed in A+	tachment D	other reasons and the reasons for	
			The reasons for	ne liability are

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	PLD-PI-00
RT TITLE: Minard vs. Michelin North America, Inc.; et a	.1. CASE NUMBER
Exemplant Dome	
Exemplary Damages Attachment ATTACHMENT TO X Complaint Cross-Complaint	Page <u>5</u>
As additional damages against defendant (name): Michelin North Ame Motors, L.L.C.; Koepplin Wayne Lewis dba Lodi Sma Plaintiff alleges defendant was guilty of X malice fraud oppression as defined in Civil Code section 3294, and plaintiff should recover, in addition to make an example of and to punish defendant.	ear sales; and DOES

EX-3. The amount of exemplary damages sought is a. X not shown, pursuant to Code of Civil Procedure section 425.10.

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Minard vs. Michelin North America, Inc.; et al.	<u>CASE NO</u> .:
Adren America, Inc.; et al.	

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EXEMPLARY DAMAGES ATTACHMENT ATTACHMENT EX-2 TO COMPLAINT

- 1. Plaintiff is informed and believes and thereon alleges that the defendants, and each of them, designed, manufactured, assembled, inspected, sold, marketed and/or distributed the 2001 Chevrolet Blazer vehicle, which is a 2-wheel drive sport utility vehicle (SUV), and its component parts [the "Subject Vehicle"], including but not limited to the Uniroyal Laredo tire on the Subject Vehicle [the "Subject Tire"], which Plaintiff was driving on July 3, 2011, when she was severely injured in a rollover incident.
- 2. Plaintiff is informed and believes and thereon alleges that the defendants, and each of them, and their officers, directors and/or managing agents, knew at all relevant times before July 3, 2011, that the Subject Vehicle and the Subject Tire were defective.
- (a) Plaintiff is informed and believes and thereon alleges that the defendants, and each of them, and their officers, directors and/or managing agents, knew that the Subject Vehicle and the Subject Tire were defective and dangerous for the vehicle's intended purpose and/or use by the Plaintiff and other members of the public, because defendants knew and/or had notice that the design of the Subject Tire rendered it prone to delamination or tread belt separation during ordinary driving, and the design of the Subject Vehicle rendered it unstable and prone to rollover, and further that the design of the Subject Vehicle and its safety components rendered the vehicle

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uncrashworthy in the event of a rollover incident. Defendants knew and/or had notice that the technology was available since before the 1970s to produce tires with high resistance to delamination or tread belt separation, and vehicles with high resistance to rollover, and crashworthy vehicles in the event of a rollover. Despite that knowledge, and the existence of known technology, the defendants designed and manufactured and sold tires with low resistance to delamination and tread belt separation, and designed and manufactured and sold a class of vehicles known as "sport utility vehicles", including the Chevrolet Blazer, which were highly unstable and uncrashworthy.

- (b) Plaintiff is informed and believes and thereon alleges that the defendants, and each of them, and their officers, directors and/or managing agents, knew that the Subject Tire and the Subject Vehicle were defective and dangerous for the vehicle's intended purpose and/or use by the Plaintiff and other members of the public, because defendants knew and/or had notice that other persons have been injured and/or killed in the same or similar vehicles using the same or similar tires, including but not limited to the Chevrolet Blazer and the Uniroyal Laredo tire, in circumstances similar to that which occurred in the Plaintiff's accident.
- (c) Plaintiff is informed and believes and thereon alleges that the defendants, and each of them, and their officers, directors and/or managing agents, knew that the Subject Tire and the Subject Vehicle were defective and dangerous for the vehicle's intended purpose and/or use by the Plaintiff and other members of the public, because defendants knew and/or had notice that the same or similar vehicles and tires had failed to perform safely in tests, simulations,

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investigations, and/or studies conducted by or on behalf of said defendants, and each of them, which related to tire performance, vehicle stability and vehicle crashworthiness in the event of a rollover incident.

- each of them, and their officers, directors and/or managing agents, knew that the Subject Tire and the Subject Vehicle were defective and dangerous for the vehicle's intended purpose and/or use by the Plaintiff and other members of the public, because defendants knew and/or had notice that the same or similar vehicles and tires had failed to perform safely in tests, simulations, investigations, and/or studies conducted by others, including private and public entities and individuals, which related to tire performance, vehicle stability and vehicle crashworthiness in the event of a rollover incident.
- (e) Plaintiff is informed and believes and thereon alleges that the defendants, and each of them, and their officers, directors and/or managing agents, knew that the Subject Tire and the Subject Vehicle were defective and dangerous for the vehicle's intended purpose and/or use by the Plaintiff and other members of the public, because defendants knew and/or had notice that the same or similar vehicles and tires had failed to perform safely in other similar situations and accidents, including but not limited to those circumstances where a vehicle sustained a rollover event.
- (f) Plaintiff is informed and believes and thereon alleges that the defendants, and each of them, and their officers, directors and/or managing agents, knew that the Subject Tire and

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SHORT TILE:	CASE NO.:
Minard vs. Michelin North America, Inc.; et al.	
o, o al.	

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Subject Vehicle were defective and dangerous for the vehicle's intended purpose and/or use by the Plaintiff and other members of the public, because defendants had received prior complaints and notice from purchasers and users of same or similar vehicles and tires, which related to tire performance, vehicle stability and vehicle crashworthiness in the event of a rollover incident.

- 3. Plaintiff is informed and believes and thereon alleges that despite said knowledge on the part of the defendants, and each of them, and their officers, directors and/or managing agents, as alleged above, said defendants, and each of them, with conscious disregard for the rights, safety and well-being of the Plaintiff and other members of the public, designed, manufactured, assembled, sold, marketed and/or distributed the Subject Tire which was subject to delamination or tread belt separation, and the Subject Vehicle which was unstable and highly prone to rollover, and further was uncrashworthy in the event of a rollover event.
- 4. Plaintiff is informed and believes and thereon alleges that despite said knowledge on the part of the defendants, and each of them, and their officers, directors and/or managing agents, as alleged above, said defendants, and each of them, with conscious disregard for the rights, safety and well-being of the Plaintiff and other members of the public, sold, marketed, and/or distributed the Subject Tire and the Subject Vehicle without alerting, advising, warning or otherwise adequately informing purchasers and/or users of the vehicles of their defective and dangerous nature and/or character. Plaintiff is informed and believes and thereon alleges that the defendants further failed to alert, advise, warn or otherwise adequately inform purchasers and/or users of the Subject tire and the Subject Vehicle that safer, feasible alternatives were available

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which would substantially decrease the risk of a tire delamination or tread belt separation, and the risk of a rollover incident, and which would substantially increase the survivability of a rollover incident, and which would substantially decrease the extent of any injury in a rollover incident, if it occurred. Plaintiff is informed and believes and thereon alleges that the defendants failed to alert, advise, warn or otherwise adequately inform purchasers and/or users of the Subject Tire and the Subject Vehicle's defective and dangerous nature and/or character knowing that the Subject Tire and the Subject Vehicle would not be and/or was not likely to be, examined or inspected for defects by their purchasers and/or users. By failing to so alert, advise, warn or adequately inform purchasers or users of the defective and dangerous nature and/or character of said products, the defendants, and each of them, warranted and represented that the Subject Tire and the Subject Vehicle were safe and suitable for the vehicle's intended purpose and use by Plaintiff and other members of the public. As a direct, proximate and legal result thereof, Plaintiff purchased and used the Subject Tire and the Subject Vehicle for its intended purpose and thereby suffered severe personal injury.

5. Plaintiff is informed and believes and thereon alleges that the defendants, and each of them, and their officers, directors and/or managing agents, acted in the manner described above and/or failed to take the actions mentioned above, for reasons of economic gain, and to save money and increase their business profits. If the defendants, and each of them, had taken actions to improve and/or make their vehicles safe or substantially safer, said acts would have cost them money. The corporate management of the defendants refused to adopt more of the

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engineering safety changes recommended by their automotive engineers because of cost. Hence, the defendants, and each of them, consciously, willfully and wantonly decided that their profits were more valuable and important than human suffering and life.

6. In doing the acts herein alleged, the defendants, and each of them, and their officers, directors, and/or managing agents, directly, and in authorizing and ratifying the conduct of each of them, acted with malice by engaging in the misconduct despicably and with a willful and conscious disregard of the rights and/or safety of others, and/or acted with oppression by engaging in the misconduct despicably and by subjecting others to cruel and unjust hardship in conscious disregard of the rights of other persons, and/or acted with-fraud by engaging in the misconduct through intentional misrepresentation, deceit, and/or concealment of a material fact known to the defendants with the intention on the part of the defendants of thereby depriving a person or property or legal rights or otherwise causing injury, and are liable under Civil Code §3294 for exemplary and punitive damages. Plaintiff is therefore entitled to an award of exemplary and punitive damages against the defendants, and each of them, in an amount to be shown according to proof at trial.

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SUPERIOR COURT OF CALIFORNIA

SAN JOAQUIN

222 E Weber Avenue Stockton, CA 95202 (209) 468-2355

NOTICE OF CASE ASSIGNMENT AND SCHEDULING INFORMATION AND NOTICE OF HEARING

Case Number: 39-2013-00298477-CU-PL-STK

A Case Management Conference has been scheduled for your case as indicated below. A copy of this information must be provided with the complaint or petition, and with any cross-complaint that names a new party to the underlaying action.

Hearing: Case Management Conference	Date: 11/18/2013	Time: 08:45:00 AM
JUDGE Hon. Carter P Holly	COURT LOCATION STOCKTON	DEPARTMENT/ROOM PHONE 41 (209) 468-2355
[x] ADR Information atta	ached.	(203) 400-2355

SCHEDULING INFORMATION

	
Judicial Scheduling Calendar Information	
See attached ADD	
See attached ADR packet.	
x Parte Matters	
See attached ADR packet.	
oticed Motions	
At least one party demanding a juny trial	
initial case management conference or as	on each side must pay a nonrefundable fee of \$150.00 on or before the otherwise provided by statute. CCP 631(b)
initial case management conference or as	otherwise provided by statute. CCP 631(b)
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See attached ADR packet.	
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16. 00/20/2013	
	Rafaela Gutierrez

NOTICE OF CASE ASSIGNMENT AND SCHEDULING INFORMATION AND NOTICE OF HEARING Deputy Clerk